

United States Senate

WASHINGTON, DC 20510

May 12, 2022

The Honorable Chuck Schumer
Senate Majority Leader
U.S. Senate
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

The Honorable Mitch McConnell
Senate Minority Leader
U.S. Senate
Washington, DC 20510

The Honorable Kevin McCarthy
House Minority Leader
U.S. House of Representatives
Washington, DC 20515

Dear Leader Schumer, Leader McConnell, Speaker Pelosi, and Leader McCarthy,


We write to request that the final conferenced American competitiveness, jobs, and innovation package retain the text of the *Secure and Fair Enforcement Banking Act (SAFE Banking Act) of 2021* included in the House of Representatives' *American COMPETES Act of 2022*. The House has now passed the *SAFE Banking Act* six times, including most recently as an amendment to its version of the bipartisan competition bill, and we ask you to ensure that the text of that amendment remains in the final conferenced version of the bill to be considered by both the House and the Senate.


The *SAFE Banking Act*, as included in the House-passed *America COMPETES Act*, would allow banks, credit unions, and other financial institutions to offer banking services to legally-operating cannabis businesses without fear of punishment by federal regulators. Currently, thirty-seven states and the District of Columbia have legalized marijuana for medical use, and eighteen states and the District of Columbia allow adult recreational use. As a result, the cannabis industry has become a powerful job creator and a significant generator of tax revenue. However, financial institutions are often reluctant to transact with cannabis-related businesses, even in states that have some form of legalized cannabis, due to legal and regulatory risks arising from inconsistent federal and state laws. Allowing cannabis businesses operating legally and in compliance with state law to access financial services without federal reprisal would address public safety and compliance challenges, helping communities reduce cash-motivated crimes. Law enforcement organizations have publicly testified before Congress about these cash-related safety risks, including theft, robbery, and serious violence perpetrated against employees

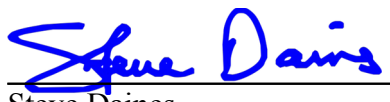
responsible for conducting what should be routine business operations.¹ The same law enforcement organizations also have testified about the importance of moving these large amounts of cash in the cannabis industry into the banking system, where accounts are monitored in accordance with existing federal anti-money laundering laws and the Bank Secrecy Act. Enacting the *SAFE Banking Act* via the jobs and competitiveness legislation before us would support a rapidly growing industry that creates jobs, fosters innovation, supports small businesses, and raises revenue in states that have chosen to legalize cannabis, while reducing safety risks to industry employees and the public alike.

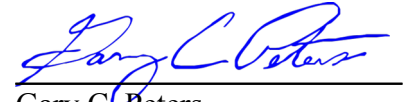
The House of Representatives already added the *SAFE Banking Act* as an amendment to the *America COMPETES Act* by a bipartisan vote of 262-168, and on February 4, 2022, passed the amended *America COMPETES Act* by a bipartisan vote of 222 to 210. The standalone legislation on which the amendment is based previously passed the House of Representatives 321-101, garnering the support of more than three-quarters of the chamber and a majority of the members of each party. The bill's list of co-sponsors is also bipartisan in both the House and the Senate. Given the demonstrated broad support for this measure, we ask you to ensure that the text of the *SAFE Banking Act* remain in the forthcoming final conferenced version of the jobs and competitiveness bill when it comes to the House and Senate for final votes. This will help cannabis-related businesses, support innovation, create jobs, and strengthen public safety in our communities. We look forward to working with you on this important issue.

Sincerely,


Jeffrey A. Merkley
United States Senator


Jacky Rosen
United States Senator


Steve Daines
United States Senator


Gary C. Peters
United States Senator

¹ Testimony from Maj. Neill Franklin (Ret.), Baltimore City & Maryland State Police Departments on behalf of the Law Enforcement Action Partnership (LEAP). February 13, 2019. <https://financialservices.house.gov/uploadedfiles/hhrg-116-ba15-wstate-franklinm-20190213.pdf>



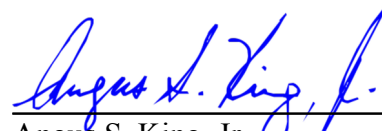
Cynthia M. Lummis
United States Senator



Tammy Duckworth
United States Senator



Dan Sullivan
United States Senator



Angus S. King, Jr.
United States Senator



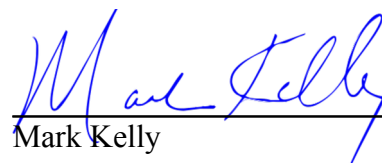
Kevin Cramer
United States Senator



Michael F. Bennet
United States Senator



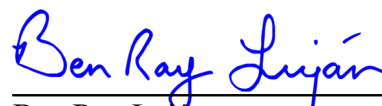
Lisa Murkowski
United States Senator



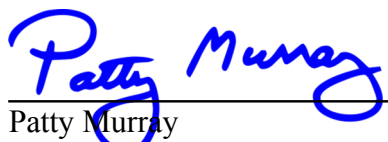
Mark Kelly
United States Senator



Martin Heinrich
United States Senator



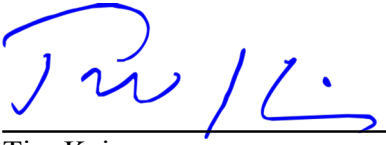
Ben Ray Lujan
United States Senator



Patty Murray
United States Senator



Catherine Cortez Masto
United States Senator



Tim Kaine
United States Senator



Robert Menendez
United States Senator



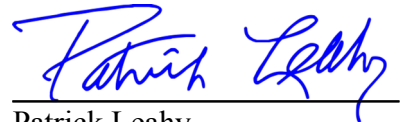
Mazie K. Hirono
United States Senator



Kyrsten Sinema
United States Senator



Alex Padilla
United States Senator



Patrick Leahy
United States Senator



John Hickenlooper
United States Senator



Christopher A. Coons
United States Senator

CC:

All Senate and House members of the Conference Committee